**Group of Governmental Experts of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects**

10 November 2017

English only

**Geneva, 13–17 November 2017**
Item 6 of the revised provisional agenda
**Examination of various dimensions of emerging technologies in the area of lethal autonomous weapons systems, in the context of the objectives and purposes of the Convention**

# Examination of various dimensions of emerging technologies in the area of lethal autonomous weapons systems, in the context of the objectives and purposes of the Convention

**Submitted by the Russian Federation**

1. The Russian Federation participated in all three informal meetings of experts on lethal autonomous weapons systems (LAWS) held in May 2014, April 2015 and April 2016 within the framework of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (the Inhumane Weapons Convention, the CCW). In April 2016, the Russian Federation refrained from supporting the recommendation to the Fifth CCW Review Conference adopted at the third informal Meeting of Experts to hand this work over to an open-ended Group of Governmental Experts (GGE) on LAWS with a mandate for discussion, having set out its position as a dissenting opinion that it would be useful to continue with the informal format of discussions. During the actual CCW Review Conference (Geneva, 12–16 December 2016), however, the Russian Federation, guided by the basic principle not to block multilateral arms control discussions not directly undermining national defense and security, chose to break no consensus and refrained from opposing the establishment of the open-ended GGE on LAWS with a mandate for discussion within the framework of the Convention while adopting the Final Document of the CCW Review Conference.

2. The Russian Federation would like to clarify its position on LAWS, as well as to share some thoughts as to the upcoming formal work in this respect within the CCW.

## I. Overall assessment of the work on LAWS within the CCW

3. The Russian Federation still feels positive of the decision to hand the discussions on LAWS over to the CCW platform. This Convention, being an important tool of international law that most fully ensures the balance between the humanitarian concerns and legitimate security interests of States, is the best format to deal with these issues.

4. In the opinion of the Russian Federation, the previous informal discussions on LAWS on the CCW platform were generally useful. This is particularly true for the two recent meetings of experts chaired by Germany where the discussions became more

structured. In particular, their most important deliverables include recognition by the States that the existing provisions of international humanitarian law are applicable to LAWS and human control over them should be continued.

5. The informal discussions, however, have essentially failed to advance the understanding of LAWS as a subject matter of possible accords and remove the remaining doubts as to the feasibility of an in-depth study of this topic. It is still ill-considered and contradictory. This, particularly, is proved by the fact that the discussions remain purely academic and not always easy for perception.

## II. Persisting challenges in discussion on LAWS

6. According to the Russian Federation, the lack of working samples of such weapons systems remains the main problem in the discussion on LAWS. Certainly, there are precedents of reaching international agreements that establish a preventive ban on prospective types of weapons. However, this can hardly be considered as an argument for taking preventive prohibitive or restrictive measures against LAWS being a by far more complex and wide class of weapons of which the current understanding of humankind is rather approximate.

7. The frequently cited CCW Protocol IV on Blinding Laser Weapons can hardly be applied to the work on LAWS, since this document, as is known, prohibited not the laser weapons per se, but a very specific case of their employment — to cause permanent blindness.

8. The difficulty of making a clear distinction between civilian and military developments of autonomous systems based on the same technologies is still an essential obstacle in the discussion on LAWS. It is hardly acceptable for the work on LAWS to restrict the freedom to enjoy the benefits of autonomous technologies being the future of humankind.

## III. Future vision

9. As for the future work on LAWS within the Group of Governmental Experts, the Russian Federation considers appropriate to focus on the following issues.

## IV. Definition

10. We are sympathetic with the Food-for-thought Paper proposed by the Indian GGE Chairperson, as well as with the fact that in our work we continue to analyze this issue in its multiple dimensions, thus returning, to a certain extent, to the working methods of informal meetings of experts. We do indeed need to look seriously into the matter of LAWS in order to understand how to move forward.

11. At the same time, we cannot avoid considering the key issues without which further discussion on LAWS will face increasing practical difficulties. This refers to harmonizing the basic definitions of LAWS. Unfortunately, there are examples in the negotiation practice when key definitions were not the first to be developed. In particular, one of such examples is the Convention on Cluster Munitions (Oslo Process, CCM) prohibiting the use, stockpiling, production and transfer of cluster munitions. It should be recalled that the definition contained in this document took a selective approach to cluster munitions subject to destruction. As a result, these weapons were divided into "bad" and "good" on the basis of lame criteria. This subsequently became the factor keeping a number of States from joining the CCM.

## V. Other concepts

12. Further work on key aspects of such weapons which relate to the notions of "autonomy", "critical functions", "meaningful human control," "predictability," etc., will depend on the definition of LAWS. The Russian Federation has no objection to parallel efforts to develop definitions with discussing key aspects of LAWS, as this would facilitate the issue of definition of such systems.

## VI. Concept of "meaningful human control"

13. This concept, though poorly developed, is a potential element of consent. The overwhelming majority of States agree on the inadmissibility of loss of meaningful human control of such weapons systems. However, it should be recognized that it will be very difficult to develop criteria for the "meaningfulness" of such control without politicizing this issue.

## VII. International legal aspects of LAWS

14. The Russian Federation believes that the GGE could conduct a thorough review of existing provisions of international law, including international humanitarian law and human rights law that could potentially be applied to LAWS, and express its opinion as to the adequacy of such provisions to address the existing concerns.

15. In general, the Russian Federation proceeds from the premise that the examination of new issues within the CCW should be carried out in the most careful, balanced and considered manner, taking into account both humanitarian concerns and legitimate defense interests of States. That said, the need to address humanitarian concerns cannot be used as the one and only sufficient prerequisite for imposing restrictive and prohibitive regimes on certain weapons.